

SM

Notice of Allowability	Application No.	Applicant(s)	
	09/827,108	SUNDQUIST ET AL.	
	Examiner	Art Unit	
	Mark W Bockelman	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview summary 3-7-2005.
2. ☒ The allowed claim(s) is/are 1,3-10,12,14,16-18,21-23 and 25.
3. ☒ The drawings filed on 05 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

Mark Bockelman
 MARK BOCKELMAN
 EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Dan Chapik on 3-7-2005.

The application has been amended as follows:

In claim 1:

at line 3, after "having a",

"proximal end and" has been deleted

-- body extending from a proximal end to -- has been inserted

at line 7, after "position;",

-- an electrode assembly; -- has been inserted

at line 8, after "coupling member";

"adjacent to" has been deleted

--fixed on -- has been inserted

at line 8, after "device"

--body -- has been inserted

at line 11, before "of the electrode";

"separation" has been deleted

Art Unit: 3762

-- uncoupling -- has been inserted

at line 12, after "structure,";

"whereby the electrode assembly may be located at a predetermined site of implant while the fixation member is expanded." Has been deleted

--the coupling member and the fixation member being spaced apart along the guiding device body whereby the uncoupling of the electrode assembly is performed independently from the fixation member expansion--has been inserted

In claim 14:

at line 2, after "having a",

"proximal end and" has been deleted

-- body extending from a proximal end to -- has been inserted

at line 7, after "coupling member";

"adjacent to" has been deleted

--fixed on -- has been inserted

at line 7, after "device"

--body -- has been inserted

at line 11, before "of the electrode";

"separation" has been deleted

-- uncoupling --has been inserted

at line 11, after "member,";

"within the vascular structure while the fixation member is expanded." has been deleted

--, the coupling member and the fixation member being spaced apart along the guiding device body whereby the uncoupling of the electrode assembly is performed independently from the fixation member expansion--has been inserted

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach the combination of an guiding member with an expansion element and a coupling member fixed upon its body and an electrode assembly that may be coupled and uncoupled from the guiding member body independently of the expansion element being expanded. Landberg et al and Lesh do not have coupling members fixed on the guiding body while Bonner requires balloon expansion for uncoupling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272 -4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWB

March 7, 2005



MARK BUCHHOLZ
PATENT EXAMINER